

Notice of Allowability	Application No.	Applicant(s)	
	09/991,870	FELDMAN ET AL.	
	Examiner	Art Unit	
	Erica E Cadugan	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 3/3/04, amdt of 3/8/05, & interview of 4/14/05.
2. ☒ The allowed claim(s) is/are 28-46.
3. ☒ The drawings filed on 26 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>3/3/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mary Jane Boswell on April 14, 2005.

3. The application has been amended as follows:

Claim 28 (Currently Amended). A machine for shaping blanks to create filter lenses to be included in a clip-on accessory having a pair of filter lenses which, when the accessory is hitched onto a pair of eyeglasses, having two half sections, then lie in registration with these half sections, said eyeglasses having a predetermined geometry that is matched by the geometry of the filter lenses, said machine comprising:

A. A [part] pair of worktables each to support one of the blanks to be shaped, and each to be driven by [having] a first motor [for driving the worktable];

B. A drill bit unit provided with a rotatable drill bit;

C. An elevator supporting said drill bit unit and shiftable along a vertical axis to raise or lower the drill bit with respect to the blank on each worktable, and a second motor for driving the elevator;

D. A carriage carrying said elevator and shiftable along a horizontal axis to move the drill bit back and forth with respect to said blanks, said carriage being driven by a third motor;
and

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E. A processor including a digitally stored database in which is stored digital data regarding the predetermined geometry of the frame of the eyeglasses, from which data the processor [to] coordinates the operation of the first, second and third motors to cause said drill bit to shape the blanks to form [a] the filter lenses of the [desired] matching geometry.

Claim 29 (Currently Amended). A machine as set forth in Claim 28, in which said first, second and third motors are stepping motors each powered by a train of dc pulses, the polarity of which determines the extent and direction of movement.

Claim 30 (Currently Amended). A machine as set forth in Claim 29, in which said [computer] processor controls the stepping motors by varying the number of pulses in the train and their polarity.

Claim 31 (Currently Amended). A machine as set forth in claim 28, in which the drill bit drills holes in said blanks to receive plugs of a clip for anchoring the clip on the filter lenses so that the accessory can be hitched onto the eyeglasses.

Claim 32 (Currently Amended). A machine as set forth in Claim 28, in which the drill bit unit is driven to rotate continuously by a motor.

Claim 34 (Currently Amended). A machine as set forth in 28, in which [digitally stored in a database of the] the processor includes a computer in which the database is digitally stored [is digital data regarding the predetermined geometry of the frame, from which data the computer controls the motors to produce a filter lens having a matching geometry].

Claim 35. (Currently Amended) A machine as set forth in Claim 34, further including an electronic scanner to scan the frame of the eyeglasses to which the clip-on accessory is to be

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hitched, the scanner supplying the computer with a digital image of the frame from which the data stored in the database is obtained.

Claim 36 (Currently Amended). A machine as set forth in Claim 28, in which each worktable is driven by its own said first motor through a shaft, and further including means to tension each said shaft to maintain the respective worktable at a set position.

Claim 37 (Currently Amended) A machine as set forth in Claim 36, in which [the] each tension means is provided by a spiral spring surrounding [said] the respective shaft wherein one end of [the] each spring is attached to the respective shaft, and the other end to a fixed body.

Claim 38 (Currently Amended). A machine as set forth in Claim 28, wherein the machine is adapted to perform drilling, milling, cutting, [matching] notching, and engraving operations by means of the same drill bit.

Claim 39 (Currently Amended). A machine for shaping blanks to create a pair of lenses of an auxiliary clip-on accessory to be attached onto the frame of a pair of eyeglasses, mounted in half sections of the frame, said frame having a predetermined geometry; said machine comprising:

A. A pair of worktables each to support one of the blanks to be shaped, and each having a first motor for driving a respective one of the worktables;

B. A drill bit unit provided with a rotating drill bit;

C. An elevator supporting said drill bit unit and shiftable along a vertical axis to raise or lower the drill bit with respect to the blank on each worktable, and a second motor for driving the elevator;

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D. A carriage carrying said elevator and shiftable along a horizontal axis to move the drill bit back and forth with respect to said blank, said carriage being driven by a third motor; and

E. A processor including a digitally stored database in which is stored digital data regarding the predetermined geometry of the frame of the eyeglasses, from which data the processor [to] coordinates the operation of the first, second and third motors to cause said drill bit to shape the blanks to form [a] the accessory lenses of the desired geometry.

Claim 40 (Currently Amended). A machine as set forth in Claim 39, in which said first, second and third motors are stepping motors each powered by a train of dc pulses, the polarity of which determines the extent and direction of movement.

Claim 42 (Currently Amended). A machine as set forth in Claim 39, in which the drill bit unit is driven to rotate continuously by a drive motor.

Claim 44 (Currently Amended) A machine as set forth in Claim 39, in which [digitally stored in a database of] the processor includes a computer in which the database is digitally stored [is digital data regarding the predetermined geometry of the frame, from which data the computer controls the motors to produce a lens having a matching geometry].

Claim 45 (Currently Amended). A machine as set forth in Claim 39, in which each worktable is driven by its own said first motor through a shaft, and further including means to tension each said shaft to maintain the respective worktable at a set position.

Claim 46 (Currently Amended) A machine as set forth in Claim 45, in which [the] each tension means is provided by a spiral spring surrounding [said] the respective shaft wherein one

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end of [the] each spring is [being] attached to the respective shaft, and the other end to a fixed body.

4. The following is an examiner's statement of reasons for allowance:

Note that each of U.S. Pat. No.'s 4,984,351 to Matsuyama et al. and 6,298,531 to Baumbusch et al. teach machining devices having a pair of motor-driven worktables on which are mounted workpieces to be processed via machining tools that are horizontally and vertically movable (see Figures 1-4 of Matsuyama et al., for example and Figures 1-9 of Baumbusch et al., for example). However, neither of Matsuyama nor Baumbusch teach "[a] processor including a digitally stored database in which is stored digital data regarding the predetermined geometry of the frame of the eyeglasses, from which data the processor coordinates the operation of the first, second and third motors to cause said drill bit to shape the blanks to form the filter lenses of the matching geometry" as set forth in independent claim 29 nor "[a] processor including a digitally stored database in which is stored digital data regarding the predetermined geometry of the frame of the eyeglasses, from which data the processor coordinates the operation of the first, second and third motors to cause said drill bit to shape the blanks to form the accessory lenses of the desired geometry" as set forth in independent claim 39.

For at least this reason, neither Matsuyama nor Baumbusch anticipate the present invention as set forth in the independent claims.

Additionally, art, such as U.S. Pat. No. 5,546,140 to Underwood, that involves the production of lenses of a clip-on accessory, however, also does not teach the database in which is stored digital data regarding the predetermined geometry of the frame of the eyeglasses, from which data the processor coordinates...etc., but instead, in Underwood, the operator moves guide

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50 around eyeglasses 24 to trace the outline of the eyeglasses 24. As the guide 50 moves, the cutter will move along the clip-on accessory, cutting off portions of the accessory that extend beyond the eyeglasses. See col. 8, lines 37-45, for example.

The aforementioned prior art being representative of the closest prior art of record to the present invention as set forth in the independent claims, for at least the foregoing reasons, the prior art of record neither anticipates nor renders obvious the present invention as set forth in the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

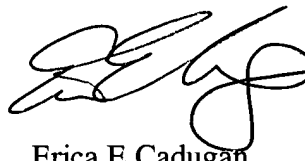
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on M-F, 7:30 a.m. to 5:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Erica E Cadugan', with a long horizontal line extending to the right.

Erica E Cadugan
Primary Examiner
Art Unit 3722

eec
April 14, 2005